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Kenji Otoda

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SNELL & WILMER L.L.P. (Main)

400 EAST VAN BUREN

ONE ARIZONA CENTER

PHOENIX, AZ 85004-2202

EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 2-6, 29, 32-37, 48, 50-54, 77, 80-85, 96, drawn to a system/method with a specific pressing means configuration.

Group II, claims 8-14, 32 38-44, 56-62, 80, 86-92, 96, drawn to a system/method with a specific holding means configuration.

Group III, claims 15, 16, 32, 45, 46, 63, 64, 80, 93, 94, drawn to a system/method with a second and third holding means.

Group IV, claims 17, 32, 47, 65, 80, 95, drawn to a system/method with a fourth and fifth holding means.

Group V, claims 18-24, 66-72, drawn to system method with a scribing line forming means including laser beam irradiating means and cooling means.

Group VI, claims 25-28, 73-76, drawn to a system/method with a scribing line forming means including a cutter.

Group VII, claims 31, 79, drawn to a system/method with a multiple scribing line forming devices.

2. Claim 1 links inventions I-VII. The restriction requirement of the linked inventions is **subject to** the nonallowance of the linking claim(s), claim 1. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the

Art Unit: 3724

limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 **Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

It is noted that claim 30 will be examined with the elected group along with claim 1.

3. Claim 49 links inventions I-VII. The restriction requirement of the linked inventions is **subject to** the nonallowance of the linking claim(s), claim 49. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 **Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

It is noted that claim 78 will be examined with the elected group along with claim 49.

Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim,

Art Unit: 3724

such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

4. The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I is directed to a system/method with a special technical feature of a specific pressing means configuration that is not required in any of Groups II-VII.

Group II is directed to a system/method with a special technical feature of a specific holding means configuration that is not required in any of Groups I and III-VII.

Group III is directed to a system/method with a special technical feature of an additional two holding means that is not required in any of Groups I, II and IV-VII.

Group IV is directed to a system/method with a special technical feature of a further additional two holding means that is not required in any of Groups I-III and IV-VII.

Group V is directed to a system/method with a special technical feature of a scribing line forming means that includes a laser irradiation means and a cooling means that is not required in any of Groups I-IV, VI and VII.

Group VI is directed to a system/method with a special technical feature of a scribing line forming means that includes a cutter that is not required in any of Groups I-V and VII.

Group VII is directed to a system/method with a special technical feature of a multiple scribing line forming means that is not required in any of Groups I-VI.

Art Unit: 3724

Species Election

5. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

IA – Figure 3a;

IB – Figure 3b;

IC – Figure 3c;

IIA – Figure 4a, 4b;

IIA – Not shown;

IIC – Not shown.

Upon election of one of Groups I or II, Applicant is required, in reply to this action, to elect a single corresponding species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also confirm or identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Art Unit: 3724

6. The claims are deemed to correspond to the species listed above in the following manner:

Species IA – claims 4,35,52,83;

Species IB – claims 5,36,53,84;

Species IC – claims 6,37,54,85.

Species IIA – claims 10,40,58,88;

Species IIB – claims 11,41,59,89;

Species IIC – claims 12,42,60,90.

Along with claims 1, 30, 49 and 78, the following claim(s) are generic:

Species I – claims 2,3,29,32-34,48,50,51,77,80-82,96.

Species II – claims 8,9,13,14,32,38,39,43,44,56,57,61,62,80,86,87,91,92,96.

7. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

Both Species A are directed to a system/method with a special technical feature of a roller(s) that is not required in the other species;

Both Species B are directed to a system/method with a special technical feature of a conveyor(s) that is not required in the other species;

Both Species C are directed to a system/method with a special technical feature of a bearing(s) that is not required in the other species.

8. Because this lack of unity requirement is considered to be complex, a telephone call was not made to request an oral election to the above restriction requirement.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

Art Unit: 3724

requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

9. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
April 21, 2009